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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,796	02/07/2001	Masud Mansuripur	78539330X00	8357
7590 11/12/2003 Antonelli Terry Stout & Kraus Suite 1800 1300 North Seventeenth Street Arlington, VA 22209			EXAMINER NGUYEN, TU T	
			ART UNIT 2877	PAPER NUMBER

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/700,796	MANSURIPUR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tu T. Nguyen	2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Detailed Office Action

*Specification*

The disclosure is objected to because of the following informalities:

In the specification, page 11, "Summary" should be changed to "Abstract".

*Claim Rejections - 35 U.S.C. § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosencwaig et al (4,636,088).

With respect to claim 9, Rosencwaig discloses a process for examining the condition of a sample. The process comprises: a first laser beam 52 (fig 4) directed to a first position of the sample surface (fig 4), detecting the reflected beam to examine a change of the surface reflectivity (column 3, lines 40-67), a second laser beam 34 (fig 4) directed to the first position for changing the reflecting behavior of the surface at the first position.

Rosencwaig does not explicitly disclose examining the surface reflectivity before, during and after the second beam directed to the surface. However, Rosencwaig discloses

measuring the changes of the surface reflectivity (column 10, lines 57-63) while the second laser directed to the sample surface. It would have been obvious that Rosencwaig would have to measure the surface reflectivity before, during and after the second beam directed to the surface in order to measure the changes of the reflectivity. Further Rosencwaig does not disclose examining an optical storage medium. However, it would have been obvious to modify Rosencwaig's method to examine different type of samples.

With respect to claims 11,17 since Rosencwaig discloses modulating the heating source at various wavelengths (column 6, lines 20-25), It would have been obvious to modify Rosencwaig's system such that the wavelength of the second laser beam is different from the wavelength of the first laser beam to distinct the reflected beams easier.

With respect to claims 12,18-19, it would have been obvious a design choice to combine Rosencwaig's system with a magnetic system for providing an magnetic field at a site of the sample for testing different characteristics of the sample.

With respect to claims 13-14,20-26, the claimed phase jump or a change in magnetic properties would have been obvious because the characteristics of the sample would be changed when the sample is exposed to a heating source. The changes in the characteristic of the sample would cause the phase jump or a change in magnetic properties.

With respect to claims 15,27-31, Rosencwaig discloses detecting the intensity of the

reflected beam (abstract).

With respect to claims 16,32-37, the skill artisan would have been motivated to modify Rosencwaig's system to utilize the second reflected laser beam to make the system more accurate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**Tu T. Nguyen**  
**Primary Examiner**  
**Group Art Unit 2877**

11/01/03